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10/576,938	08/23/2006	Stephane Chevallier	13415/104015	9914

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EXAMINER	
SCHELL, LAURA C	

ART UNIT	PAPER NUMBER
3767	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,938	CHEVALLIER, STEPHANE	
	Examiner	Art Unit	
	LAURA C. SCHELL	3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-31* is/are pending in the application.

4a) Of the above claim(s) *30 and 31* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 April 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/24/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 30 and 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/15/2008.

Applicant's election of Species A (Figs. 1-6) in the reply filed on 9/15/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

*****Please note that Figs. 7 and 8 are missing from the drawings.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Glenord Pty. Ltd. (WO 02/072182). Glenord discloses a safe injection device (Figs. 1-6) comprising a syringe having a syringe body (12) , a needle (16) , and a piston suitable for moving in the body to perform an injection (34), and a protective sheath (10/11), the syringe body and the protective sheath being suitable for sliding relative to each other (Figs. 1 and 5) between an injection configuration in which the needle projects beyond the protective sheath (Fig. 1) which is disposed around the syringe body, and a protection configuration in which the needle extends inside said sheath (Fig. 5), the device including a trigger member (30) suitable for causing the device to pass from the injection configuration (Fig. 1) to the protection configuration at the end of the injection stroke (Fig. 5), the trigger member being secured to an actuator head of the piston (30 is secured to the piston and can be considered being connected to an actuator head as this portion helps to actuate the injection as well as other portions of the piston), the device comprising an inhibitor member (23/36/37) suitable for occupying an inhibit position in which said inhibitor member defines a first end-of-injection-stroke position for the piston in which the trigger member is unable to cause the device to pass from the injection configuration to the protection configuration (Fig. 2), and the inhibitor member

is suitable for being moved from said inhibit position to enable the piston to reach a second end-of-injection-stroke position in which the trigger member is able to cause the device to pass from the injection configuration to the protection configuration (Figs. 3 and 4 disclose that the inhibitor member may be moved out of the way of completion of the injection stroke and allows completion as seen in Fig. 5), wherein in the inhibit position, the inhibitor member is connected to the actuator head of the piston (Fig. 2a shows that 23 is connected to the indented portion of the piston preventing completion of the injection), being constrained to move therewith and is suitable for co-operating in abutment with an element of the device that is stationary relative to the syringe body (19) to define the first end-of-injection-stroke position, and the inhibitor member is suitable for being separated from the piston to enable the second end-of- injection-stroke position to be reached (Figs. 3 and 4 show separation of the inhibitor member and Fig. 5 shows the end of injection stroke being reached).

In reference to claim 16, Glenord discloses that the inhibitor passes through the head of the piston (portion 23).

Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Glenord Pty. Ltd. (WO 02/072182). Glenord discloses a safe injection device (Figs. 1-5) comprising a syringe having a syringe body (12), a needle (16), and a piston (22) suitable for moving in the body to perform an injection, and a protective sheath (10/11), the syringe body and the protective sheath being suitable for sliding relative to each

other between an injection configuration (Fig. 1) in which the needle projects beyond the protective sheath which is disposed around the syringe body, and a protection configuration in which the needle extends inside said sheath (fig. 5), the device including a trigger member (30) suitable for causing the device to pass from the injection configuration to the protection configuration at the end of the injection (30 acts on portions 25 and 29 to release the syringe) stroke, the trigger member being secured to an actuator head of the piston (30 is secured to the piston and can be considered being connected to an actuator head as this portion helps to actuate the injection as well as other portions of the piston), the device comprising an inhibitor member (23/36/37) suitable for occupying an inhibit position in which said inhibitor member defines a first end-of-injection-stroke position for the piston in which the trigger member is unable to cause the device to pass from the injection configuration to the protection configuration (Fig. 1, inhibitor contacts 19 and prevents completion of the injection), and the inhibitor member is suitable for being moved from said inhibit position to enable the piston to reach a second end-of-injection-stroke position in which the trigger member is able to cause the device to pass from the injection configuration to the protection configuration (Figs. 3 and 4 disclose that the inhibitor is moved out of the way and allows the injection to be completed in Fig. 5), wherein in the inhibit position, the inhibitor member is connected to the actuator head of the piston (Fig. 1), being constrained to move therewith and is suitable for co-operating in abutment with an element of the device that is stationary relative to the syringe body (19) to define the first end-of-injection-stroke position (Fig. 2), and the inhibitor member is suitable for

being displaced relative to the piston to enable the second end of-injection-stroke position to be reached (Figs. 3 and 4 disclose the inhibitor being displaced and allowing the end of injection stroke to be reached in Fig. 5).

In reference to claim 18, Glenord discloses that the inhibitor passes through the head of the piston (portion 23).

Claims 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Glenord Pty. Ltd. (WO 02/072182). Glenord discloses a safe injection device (Figs. 1-5) comprising a syringe having a syringe body (12), a needle (16), and a piston suitable for moving in the body to perform an injection (22), and a protective sheath (10/11), the syringe body and the protective sheath being suitable for sliding relative to each other between an injection configuration in which the needle projects beyond the protective sheath which is disposed around the syringe body (Fig. 1), and a protection configuration in which the needle extends inside said sheath (Fig. 5), the device including a trigger member (23/36/37) suitable for causing the device to pass from the injection configuration to the protection configuration at the end of the injection stroke (Fig. 5), the device including means for defining a first end-of-injection-stroke situation in which the trigger member is unable to cause the device to pass from the injection configuration to the protection configuration (Fig. 2), and a second end-of- injection-stroke situation in which the trigger member is able to cause the device to pass from the injection configuration to the protection configuration (Figs. 3-5), the trigger member

being constrained to move with the piston (Figs. 1-4), and said first and second end-of-injection-stroke situations corresponding respectively to first and second end-of-injection-stroke positions for the piston, the device including a housing in which a head of the piston is substantially retracted in the second end-of-injection-stroke position, whereas, in the first end-of-injection-stroke position, the piston head projects beyond said housing to provide a purchase enabling the piston to be pulled away from the needle (Fig. 5).

In reference to claim 20, Glenord discloses an inhibitor member suitable for occupying an inhibit position in which the end-of-injection-stroke situation is said first situation, and suitable for being moved relative to said inhibit position to enable the end-of-injection-stroke situation to be said second situation (Figs. 2-5).

In reference to claim 21, Glenord discloses abutment means (abutment between 19 and 23/36/37) suitable for being put into operation to define the first end-of-injection-stroke position and for being taken out of operation to enable the second end-of-injection-stroke position to be reached (Figs. 2-5).

In reference to claim 22, Glenord disclsoes wherein in the inhibit position, the inhibitor member is connected to the piston being constrained to move therewith, and is suitable for co-operating in abutment with an element of the device that is stationary relative to the syringe body in order to define the first end-of-injection- stroke position (Figs. 3-4).

In reference to claim 23, Glenord disclsoes the inhibitor member is suitable for being separated from the piston, in order to enable the second end-of- injection-stroke position to be reached (Figs. 3-5).

In reference to claim 24, Glenord discloses that the inhibitor member is suitable for being displaced relative to the piston, in order to enable the second end- of-injection-stroke position to be reached (Figs. 3-5).

In reference to claim 25, Glenord discloses that the trigger member is secured to the actuator head of the piston, and the inhibitor member is connected to said head in the inhibit position (Figs. 3-4).

In reference to claim 26, Glenord discloses that in the inhibit position, the inhibitor member passes through the head of the piston (Figs. 1 and 2).

Claims 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Glenord Pty. Ltd. (WO 02/072182). Glenord disclsoes a safe injection device (Figs. 1-5) comprising a syringe having a syringe body (12), a needle (16), and a piston suitable for moving in the body to perform an injection (22), and a protective sheath (10/11), the syringe body and the protective sheath being suitable for sliding relative to each other between an injection configuration in which the needle projects beyond the protective sheath which is disposed around the syringe body (Fig. 1), and a protection configuration in which the needle extends inside said sheath (Fig. 5), the device including a trigger member suitable for causing the device to pass from the injection

configuration to the protection configuration at the end of the injection stroke (30), the trigger member being formed by a skirt secured to the piston head (30), the device including an inhibitor member formed by a part (23/36/37) that, in an inhibit position, is fitted on the head of the piston and presents an end suitable for coming into abutment against an element (19) that is stationary relative to the syringe body in order to define a first end-of-injection-stroke position for the piston in which the skirt is unable to cause the device to pass from the injection configuration to the protection configuration (fig. 2), and that is suitable for being separated from the head of the piston in order to enable a second end-of-injection-stroke position of the piston to be reached in which the skirt is able to cause the device to pass from the injection configuration to the protection configuration (Figs. 3 and 4 disclose the inhibitor member being separated from the piston head and thus allowing the end of the injection stroke in Fig. 5).

In reference to claim 27, Glenord discloses that in the inhibit position, the inhibitor member passes through the head of the piston (Figs. 1 and 2).

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Glenord Pty. Ltd. (WO 02/072182). Glenord disclsoes a safe injection device (Figs. 1-5) comprising a syringe having a syringe body (12), a needle (16), and a piston suitable for moving in the body to perform an injection (22), and a protective sheath (10/11), the syringe body and the protective sheath being suitable for sliding relative to each other between an injection configuration in which the needle projects beyond the protective sheath which

is disposed around the syringe body (Fig. 1), and a protection configuration in which the needle extends inside said sheath (Fig. 5), the device including a trigger member (30) suitable for causing the device to pass from the injection configuration to the protection configuration at the end of the injection stroke, the device including means for defining a first end-of-injection-stroke situation (23/36/37) in which the trigger member is unable to cause the device to pass from the injection configuration to the protection configuration (Fig. 2), and a second end-of- injection-stroke situation in which the trigger member is suitable for causing the device to pass from the injection configuration to the protection configuration (Figs. 3-5), and the trigger member being connected to the piston (Figs. 1 and 2) and being suitable for being displaced relative thereto between a position suitable for triggering (Figs. 3-5) in which, at the end of the injection stroke of the piston said trigger member is able to cause the device to pass from the injection configuration to the protection configuration (Fig. 5), and a position unsuitable for triggering in which, at the end of the injection stroke of the piston, the trigger member is unable to cause the device to pass from the injection configuration to the protection configuration (Fig. 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA C. SCHELL whose telephone number is (571)272-7881. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Schell/
Examiner, Art Unit 3767
/Kevin C. Sirmons/
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